

REMARKS

Claims 1-15 are pending in the present application. In the above amendments, claims 1, 7 and 8 have been amended, and new claims 16-18 have been added.

Claim 8 has been amended in order to overcome the respective rejection under 35 U.S.C.112, 2nd paragraph.

The claims 1 and 7 have been amended to claim the present invention more particularly in a matter that patentably distinguishes over the prior art of record.

Amended claim 1 is directed towards a **mobile** wireless apparatus operative in a wireless data communication system. Likewise amended claim 7 is directed towards a method in a wireless communication system, wherein a data outage indicator is transmitted from a **mobile** wireless apparatus.

In claim 1 there is recited a **mobile** wireless apparatus operative in a wireless data communication system comprising a processor, and a memory coupled to the processor, wherein the processor is operative on a plurality of computer readable instructions, comprising a first set of computer readable instructions operative to determine if sufficient time slots are available to transmit a data packet prior to an outage, and a second set of computer readable instructions operative to generate an outage indicator to inhibit transmissions of the data packet if sufficient time slots are not available (bold letters for emphasis).

The advantages of the present invention as set forth in amended claim 1 are seen from the specification. In particular the present invention enables optimization use of available bandwidth in a wireless data communication system, in particular for the transmission of data packets. Please refer to Applicant's abstract, and the example scenarios detailed in FIG. 6 and FIG. 7, as well as the algorithm detailed according to one embodiment in FIG. 8. Specifically, the specification details operations involving an Access Terminal.

In accordance with the invention as claimed this is accomplished by means of a mobile wireless apparatus which determines if sufficient time slots are available to transmit a data packet prior to an outage and which generates an outage indicator to inhibit transmission of the data packet if sufficient time slots are not available. This way it is avoided that an ongoing

transmission of a data packet needs to be interrupted and repeated at a later point of time. See Applicant's abstract.

The subject matter as claimed in claim 1 differs patentably from the cited prior art which disclosed a variety of different arrangements and methods, none of which are specifically directed to the problem dealt with by the present invention.

Specifically, the Examiner references Pankaj, col. 6, lines 9-13, which section describes scheduling at a base station. The present claims do not recite channel scheduling, but rather methods for determining if sufficient time slots are available for a given transmission prior to a known outage at the mobile station or access terminal. This is not the same as channel scheduling as performed at the base station.

With respect to U.S. Patent No. 5,790,534, referred to as Kokko, it was stated in the office action that

Kokko teaches a channel reservation system where the amount of required resources is compared to the maximum available amount of resources (determine if sufficient time slots are available to transmit a data packet). If the required amount of resources does not exceed the maximum available amount of resources, permission is granted to transmit, if the amount of resources exceeds the maximum resources, a transmission prohibition is sent to the requesting station (generate an outage indicator to inhibit transmission of the data packets if sufficient time slots are not available) (column 6, lines 34-43).

Kokko does in fact disclose a base station which includes a load monitor (base station DS16 and load monitor 14B; column 6, line 24 and line 34). The load monitor disclosed in the Kokko reference calculates a total amount of required resources and compares the required amount to a maximum available amount of resources. If the required amount of resources does not exceed the maximum available amount of resources, load control module (load control module 14C; column 6, line 39) grants permission to transmit using a predetermined algorithm or rules base. The base station sends a transmission permission or a transmission prohibition to each requesting terminal (cf. column 6, lines 41-42).

In accordance with the Kokko reference load monitoring and granting of permission is thus performed by a network component, i.e. the base station. This is in contrast to the subject

matter of claim 1, where the determination whether sufficient time slots are available and the generation of the outage indicator is not performed by the wireless data communication system but by the mobile wireless apparatus. The Kokko reference thus teaches away from the subject matter as claimed as it suggests load monitoring and granting of transmission permission by a base station of the communication network.

The Kokko reference does not teach, suggest or motivate determination if sufficient time slots are available to transmit a data packet prior to an outage and generating an outage indicator to inhibit transmission by a mobile wireless apparatus operative in a wireless data communication system.

Amended claim 7 distinguishes over the prior art of record in the same manner, as this claim contains essentially the limitations that have been discussed above to show how the invention as claimed patentably distinguishes over the art of record. As stated, the amended claims have been formulated to particularly point out and distinctly define what applicant deems to be their inventive contribution worthy of patenting.

Specification

Applicant provides herewith amendments to the specification. The amendments to the specification are made by presenting marked up replacement paragraphs which identify changes made relative to the immediate prior version.

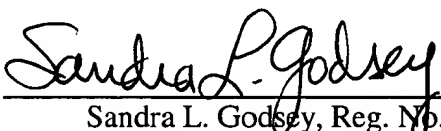
The changes made are to provide appropriate correction to the informalities noted by the Examiner.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 09/18/2003

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